



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 7393-99

28 March 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 23 February 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

23 Feb 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR memo of 5 Jan 00
(b) DFAS-CL/FR ltr FRAAA:64Q [REDACTED] of 8 Sep 99
(c) DOD Financial Management Regulation (Vol 7B)

1. Per reference (a), recommend the BCNR not correct CDR [REDACTED] record to reflect that he voluntarily changed his election under the Survivor Benefit Plan' (SBP) for reduced vice full spouse coverage.

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Retired List on 1 April 1991. He enrolled in SBP child(ren) coverage based on his full-retired pay upon transferring to the Retired List.

b. [REDACTED] and [REDACTED] were married on 11 October 1991.

c. DFAS-CL acknowledged receipt of a check in the amount of \$13,000 submitted by CDR [REDACTED] for SBP Open Enrollment Election for reduced spouse coverage. Per reference (b), no action was taken on his account until he responded indicating if he wanted to enroll his spouse during open season based on the understanding he would have to enroll her for full SBP coverage. DFAS-CL had given him a deadline of 7 October 1999 to respond.

d. Per reference (c), the level of SBP coverage may not be reduced.

M. P. WARDLAW
Head, Navy Retired Activities
Branch (PERS-622)